IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5577 OF 2005

Mrs. Kamal Balkrishna Ambolkar ... Petitioner

Versus

Shree Ganga Darshan Co-op. Credit Society and Ors. ... Respondents

Ms. Trupti Naik with Mr. S.S. Redij for Petitioner.

CORAM : F.I. REBELLO &
DR.D.Y.CHANDRACHUD,JJ.
DATED : JANUARY 10, 2006

P.C.

. The Petitioner was a guarantor for the loan advanced to the principal debtor, Respondent No. 2. In respect of the recovery certificate, proceedings have been initiated. It is these proceedings that are sought tobe impugned in the present Petition. The contention of the Petitioner is that the principal debtor has assets and that the respondent Bank instead of proceedings against principal debtor, is seeking to proceed against the guarantor. Once there be a certificate, against the principal debtor and guarantors, it is open to the decree holder to proceed against the assets of

the principal debtor as also the guarantor. Considering that no case for interference. The guarantor can always enforce his right against the principal debtor. With the above observations, petition disposed of.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)